

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Facilitate Collection of Money Owed to the State

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 4 MRSA §807-A, 3rd ¶, as enacted by PL 2003, c. 278, §4, is amended to read:

Upon the promulgation of and in accordance with rules adopted by the Supreme Judicial Court, employees of the Department of the Attorney General may serve civil process and represent the State in District Court in disclosure proceedings pursuant to Title 14, ~~chapter~~chapters 502 and 502-A.

Sec. 2. 5 MRSA §202, as amended by PL 1973, c. 567, §2, is further amended to read:

§ 202. Employment of detectives

The Attorney General may, ~~by himself~~for the Department of the Attorney General or through the several district attorneys or other officers of the State, employ such detectives or other persons, offer rewards or use other means that ~~he may deem~~the Attorney General considers advisable for the detection, arrest and apprehension of persons who commit crime in this State. Detectives with the department may exercise all the powers necessary to levy and enforce writs of execution on judgments owed to the State. Any property seized as payment towards a judgment owed to the State may be sold by the State at a surplus auction or in any other commercially reasonable manner.

Sec. 3. 5 MRSA §1509, as enacted by PL 1973, c. 701, §4, is amended to read:

§ 1509. Records; collections

~~It shall be the duty of each~~Each department, institution or agency of the State ~~to shall~~ keep a record of all items of income accruing to it. Each department, institution or agency ~~shall be~~is solely responsible for collections of all accounts receivable accruing to it, including taxes levied by the State. In each instance of an item of income accruing to ~~anya~~ department, institution or agency, ~~such that~~ department, institution or agency shall immediately begin collection efforts and shall make such repeated collection efforts as may be necessary to promptly satisfy the amount owed to the State. ~~Whenever~~If there shall continue to exist items of income or taxes owed to the State ~~which that~~ are not paid within 90 days, ~~it shall be the duty~~ of the department, institution or agency to whom such amount is owed ~~to shall~~ again attempt promptly to collect same. In cases of failure to pay, the department, institution or agency shall refer the account to the Attorney General for collection. Notwithstanding any other provision of law, the Attorney General may collect from the debtor a fee sufficient to defray the costs of collection; the fee may not exceed 20% of the amount owed by the debtor to the State and must be deposited by the Attorney General into the General Fund as undedicated revenue.

SUMMARY

This bill enhances the authority of the Attorney General's office to engage in collections actions for debts, fines, penalties and other money owed to the State. The Attorney General's office is given the

authority to add a fee, which is deposited in the General Fund, in its collecting of money owed the State in order to secure some reimbursement for the cost of pursuing payment. Seized property may be sold by the State.